

**AMENDMENTS TO DRAWINGS**

Please substitute the attached replacement sheets, containing Figs. 6-11, for the corresponding sheets on the file in the application. Formal versions of the replacement sheets are being prepared and will be submitted.

### REMARKS

The drawings have been amended. Support for the changes appears in the original specification, including as follows (emphasis added):

“[0055] . . . . If the user requests to do so (Y branch of S2), the controller 13 further checks whether the disc is rotating at a speed suitable for the storing and reproducing of the user's request (S3). If the disc is not rotating at a speed corresponding to the speed of storage and reproduction designated by the user (N branch of S3), the controller 13 changes the rotating speed of the spindle motor 4 through the rotation control unit 10 (S4). . . .”

“[0058] The second embodiment of the present invention is now described with reference to FIG. 7. Steps common to the first embodiment described above and the second embodiment to be described below (and the other embodiments to be described after the second) are referred to by the same numerals, and their description will be omitted.

“[0059] FIG. 7 is a flowchart showing the operation of the controller 13 to which the second embodiment is applied. Most of the steps are the same as those of the first embodiment . . . .”

The drawings are objected to under 37 C.F.R. § 1.83(a). Reconsideration is respectfully requested. Figs. 6-11 have been amended to obviate the objection.

In addition, as explained previously, the limitation of “a first rotation mode” finds support both in the summary of the invention at least at page 6, ln. 23 – page 7, ln. 13, and in the claims as originally filed, and is described within the specification with an embodiment which includes the specific nonlimiting example of “speed.” In Fig. 6 of the specification, at the “N” branch of decision step S3, and step S4. The accompanying description on page 16, ln. 16-24 recites that “the controller 13 further checks whether the disc is rotating at a speed suitable for the storing and reproducing of the user's request (S3). If the disc is not rotating at a speed corresponding to the speed of storage and reproduction designated by the user (N branch of S3), the

controller 13 changes the rotating speed of the spindle motor 4 through the rotation control unit 10 (S4).” Although the Office Action asserts that “NO determination if a first mode is suitable for recording/reproducing is found, Applicant respectfully submits that the decision step S3 makes such a determination, as described above. The drawings must be interpreted along with the accompanying description, described above.

Further, whether the speed is at the speed requested by the user is only one example of “determining whether the first rotation mode is suitable for the storing and reproducing of the user’s request.” Applicant respectfully submits that the claimed “first rotation mode” is sufficiently disclosed and described, and is not limited to the example of “speed.”


Moreover, regarding the method claims (1-8 and 19-21), M.P.E.P. § 601.01(f) states that “[i]t has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113.”

Claims 1-24 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed. Please refer to the explanation above, that the “first rotation mode” limitation finds support in the original disclosure. Moreover, as explained in the previous response, claims 2, 10, 19-20, and 22-23 all recite limitations relating specifically to the example of “speed.” Therefore, the new matter rejection should pertain, at most, to some of the claims, and not to all of claims 1-24.

In view of the above, Applicant believes the pending application is in condition for allowance. A Request for Continued Examination is being filed concurrently herewith. Favorable action on the application is solicited.

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Respectfully submitted,

By 

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